

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

RICKEY JEFFERSON, 2ND,	:	
Plaintiff	:	
v.	:	CIVIL ACTION NO. 3:19-1390
		(JUDGE MANNION)
STEVEN BURTON,	:	
CMC Security Guard, and	:	
COMMUNITY MEDICAL CENTER,	:	
Defendants	:	

ORDER

Pending before the court is the report of Magistrate Judge William I. Arbuckle which recommends that the plaintiff's amended complaint alleging civil rights claims pursuant to 42 U.S.C. §1983 and claims pursuant to the Emergency Medical Treatment and Active Labor Act ("EMTALA"), 42 U.S.C. §1395dd, be dismissed as to defendant Burton. (Doc. 17). Judge Arbuckle further recommends that the plaintiff's §1983 claims be dismissed as to defendant Community Medical Center ("CMC"), but that the plaintiff's EMTALA claims be allowed to proceed with respect to defendant CMC. No objections have been filed to the report.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.@

Fed.R.Civ.P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. '636(b)(1); Local Rule 72.31.

Here, the court has reviewed the report of Judge Arbuckle and finds no clear error of record. Further, the court agrees with the sound reasoning which led Judge Arbuckle to the conclusions in his report. As such, the court will adopt the report as the opinion of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1)** The report and recommendation of Judge Arbuckle **(Doc. 17)** is **ADOPTED IN ITS ENTIRETY**.
- (2)** The plaintiff's amended complaint **(Doc. 13)** is **DISMISSED** in its entirety with respect to defendant Burton.
- (3)** The plaintiff's amended complaint **(Doc. 13)** alleging a §1983 claim against defendant CMC is **DISMISSED**.

(4) The plaintiff's amended complaint (**Doc. 13**) will be allowed to proceed against defendant CMC as to the EMTALA claim.

(5) The Clerk of Court is directed to serve the plaintiff's amended complaint upon defendant CMC.

(6) The instant action is **REMANDED** to Judge Arbuckle for all further pre-trial proceedings.

s/Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

DATE: March 2, 2020

19-1390-01